

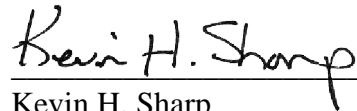


to the judgment of a state court. He is, rather, challenging the validity of a federal sentence that was enhanced using an expired state court conviction. 28 U.S.C. § 2254, therefore, is not the appropriate vehicle for petitioner's claim.

Accordingly, the petition is DENIED and this action is hereby DISMISSED for failure to state a claim upon which habeas corpus relief can be granted. Rule 4, Rules - - - § 2254 Cases.

Should the petitioner file a timely Notice of Appeal, such Notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has been unable to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

  
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Kevin H. Sharp  
United States District Judge